

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION**

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BABY DOE, A CITIZEN OF AFGHANISTAN	:	
CURRENTLY RESIDING IN NORTH	:	CIVIL ACTION NO. 3:22-CV-49
CAROLINA, BY AND THROUGH NEXT	:	
FRIENDS, JOHN AND JANE DOE; AND JOHN	:	
AND JANE DOE, CITIZENS OF AFGHANISTAN:	:	
AND LEGAL GUARDIANS OF BABY DOE,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
JOSHUA MAST, STEPHANIE MAST, RICHARD	:	
MAST, KIMBERLEY MOTLEY, AND AHMAD	:	
OSMANI,	:	
	:	
Defendants,	:	
	:	
and	:	
	:	
UNITED STATES SECRETARY OF STATE	:	
ANTONY BLINKEN AND UNITED STATES	:	
SECRETARY OF DEFENSE GENERAL	:	
LLOYD AUSTIN,	:	
	:	
Nominal Defendants.	:	

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**PLAINTIFFS' MOTION, AND MEMORANDUM OF LAW IN SUPPORT OF MOTION,  
TO SEAL EXHIBITS C, E AND H OF PLAINTIFFS' OPPOSITION  
TO DEFENDANT RICHARD MAST'S [SUPPLEMENTAL/AMENDED/RENEWED]  
MOTION TO COMPEL**

Plaintiffs, by counsel, respectfully move for leave to file under seal Exhibits C, E and H of their Opposition to Defendant Richard Mast's [Supplemental/Amended/Renewed] Motion to

Compel (“Opposition”), pursuant to Local Civil Rule 9 and this Court’s Protective Order (ECF No. 26). In support thereof, Plaintiffs state as follows:

Exhibits C, E and H of the Opposition refers to Plaintiffs’ given names and that of their family members. This Court has issued a Protective Order (ECF No. 26) allowing Plaintiffs to proceed under pseudonyms, given the concern for their safety and that of other innocent non-parties, such as their family members.

Under the common law right of access to judicial records, documents should be sealed when a party’s interest in keeping the information contained therein confidential outweighs the presumed right of public access. *See, e.g. Stone v. Univ. of Maryland Med. Sys. Corp.*, 855 F.2d 178 (4th Cir. 1988); *Ashcroft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000). “Courts have recognized that an interest in protecting the physical and psychological well-being of individuals related to the litigation, including family members and particularly minors, may justify restricting access” to court documents. *United States v. Harris*, 890 F.3d 480, 492 (4th Cir. 2018); *see also United States v. Doe*, 962 F.3d 139, 147 (4th Cir. 2020).

In this instance, the threats to the safety of the Plaintiffs and other innocent non-parties are very real, and have been recognized by this Court’s Protective Order (ECF No. 26).

Plaintiffs have publicly filed a redacted version of their Opposition. Thus, the public is not wholly deprived of an understanding of the general underlying factual basis for the request. The relief Plaintiffs seek in this motion is narrowly tailored to the circumstances, and aims to seal only what is absolutely necessary to safeguard the safety of persons related to the litigation. Defendants are not prejudiced as they are aware of Plaintiffs’ identities.

Accordingly, Plaintiffs request that Exhibits C, E and H of their Opposition be filed under seal, as the risks attendant to public disclosure of these documents is not likely to dissipate over time.

A proposed Order is attached as Exhibit A to this Motion.

Dated: September 29, 2023

Respectfully submitted,

/s/ Maya Eckstein

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 29<sup>th</sup> day of September 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing to all CM/ECF participants.

By: /s/ Maya M. Eckstein  
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